



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

July 21, 2008

Mr. Gene Keller
National Capital Planning Commission
401 9th Street
North Lobby
Suite 500
Washington, D. C. 20004

Re: Smithsonian Institution National Museum of African American History and Culture
Final Environmental Impact Statement June 2008 CEQ #20080247

Dear Mr. Keller:

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the above referenced project. Based on our review and your response to our February 4, 2008 comments on the Draft EIS, EPA has determined that our comments on this Tier of the EIS process have been adequately addressed and we have no objections to this project.

One of our comments on the DEIS was that the DEIS should include a discussion of Environmental Justice and how Environmental Justice communities were addressed in the process and will be in future coordination. Based on the responses provided to our comments, we offer the attached comments to be addressed in Tier II.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215)814-3330.

Sincerely,

A handwritten signature in black ink, appearing to read "William Arguto", is positioned above the typed name.

William Arguto
Office of Environmental Programs
NEPA Team Leader



Specific Environmental Justice Comments:

The methodology used to identify areas of potential Environmental Justice Concern requires further clarification and analysis. The methodology recommended by CEQ for identifying areas of Potential Environmental Justice Concern states, "a minority population exists where the percentage of minorities in an affected area either exceed 50 percent or is meaningfully greater than in the general population". This guidance provides useful insight, but requires further refinement in its application to assessing areas of potential Environmental Justice Concern. The methodology used needs to be objective, and clearly defined in order for the assessment to be both useful and meaningful. A standard method of assessment should be adopted. A suggestion is for the use of state, county, and ward level percentages of minority and low-income residents to be used as benchmarks in identifying at-risk communities. It seems both reasonable and objective to use these benchmarks as the instrument by which the individual communities that may be impacted by the project's many activities should be measured. For example, those communities whose minority and/or low-income populations exceed the state, county, or ward averages for those benchmarks should be added to the list of communities of concern. In looking at the information that is generally available, it is clear the Washington, DC would be identified in the initial screening, when compared to the rest of the communities in the Region of Influence (ROI) for the project. In addition, there are neighborhoods in Washington, DC and Prince Georges County that should be scrutinized as well. This screening will then provide a master list of communities of concern in the ROI. This initial step will then provide a list of places that may require further analyses. This analysis does not indicate that are problems.

The next step would then call for careful consideration of all activities that may impact neighborhoods located in the ROI. It is understood that the project is not located directly adjacent to any neighborhoods, so the direct impact of construction in the immediate area would not be a concern. However, there are concerns related to indirect impacts associated with the construction and related activities. There is concern related to impacts as a result of travel to and from the site by construction vehicles. Which routes will the trucks take? Will they have to pass through residential neighborhoods? What impacts could noise, vibration, or fugitive dusts have on these neighborhoods? Will there be waste materials generated during construction? Where will these materials go? What communities will these materials impact? Have the communities where potential waste materials will be disposed of been characterized? Have the potential impacts upon those communities been assessed?

Construction activities may result in traffic congestion and other traffic related problems. How would such disruptions impact communities in the area?

It is clear that there was considerable input from the public regarding the actual project at the work site, but it is not clear if there was adequate consideration given to the potential for impacts that may occur in other areas as a result of project activities. See concerns above. What actions can be taken to assure that these concerns are discussed with the appropriate target communities?

The ROI for this project is an extremely large area containing a number of communities. It is recommended that measures be taken to more carefully consider and identify minority and low-



income communities within the ROI, and then to consider if any of these areas may be adversely impacted by any of the activities associated with the transportation of materials to the work site, transportation and disposal of materials removed from the work site, dispersion of fugitive dusts, noise, vibration, or disruption of services as a result of any of the activities being conducted at the work site. It is clearly understood that there are no communities directly adjacent to the site, but the results of the construction will manifest themselves somewhere. It is imperative that the location of these impacts be identified and the impacts themselves quantified.

